



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,585	08/30/2001	Brent McKay	12275-03/JWE	9396

7590 08/02/2006

Brent McKay
c/o eMine Technology, Inc.
3901 Westerly Place
Suite 110
Newport Beach, CA 92660

EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT	PAPER NUMBER
----------	--------------

2614

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/943,585

Applicant(s)

MCKAY, BRENT

Examiner

Melur Ramakrishnaiah

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-71 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 46-71 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2-6-04/5-31-06</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 46-48, 50-55, 58-59, 60-61, 63-64, 68-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gazdzinski (US PAT: 6,615,175, filed 6-10-1999) in view of Kalt (US PAT: 6,057,814) and Sauber (US PAT: 6,600,747, filed 9-17-1998).

Regarding claim 46, Gazdzinski discloses a large-format display comprising: a integrated touch panel (113, fig. 2), and a thin, self contained display unit as shown in fig. 2 having an appropriate length, approximate width, and approximate depth, the display unit including a housing, and a large screen display (reads on 113, fig. 2) and touch panel (col. 5, line 50 – col. 6, line 5).

Gazdzinski differs from claim 46 in that he does not specifically teach the following: digital flat panel type display, and video display comprising about 40 inches or more measured diagonally across the video display.

However, Sauber teaches the following: digital flat panel type display (col. 1 lines 48-50); and Kalt teaches the following: video display comprising about 40 inches or more measured diagonally across the video display (col. 26 lines 46-58, col. 27 lines 18-27).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Gazdzinski's system to provide for the following: digital

Art Unit: 2614

flat panel type display as this type of display provide good resolution for displaying information in a digital format as is well known in the art, thus giving better interface for displaying information; and video display comprising about 40 inches or more measured diagonally across the video display as this arrangement would provide greater display area for displaying information suitable for class rooms, lecture rooms, or conference rooms and other public needs.

Regarding claim 47, Gazdzinski further teaches the following: touch panel is located substantially within the housing (col. 6 lines 1-5).

Regarding claim 48, Gazdzinski further teaches the following: video display comprises a plasma type video display (col. 7 lines 32-35).

Regarding claim 50, Gazdzinski further teaches the following: housing protrudes no more than about 4 inches from a mounting surface (fig. 2, col. 7 lines 23-35).

Regarding claim 51, Gazdzinski further teaches the following: comprising a computing device (121, fig. 1) in communication with the video display, the mounting device configured to execute software instructions which cause a display of building directory information (figs. 1-2, col. 8 lines 46-59).

Regarding claim 52, Gazdzinski further teaches the following: software instructions cause interactive display of the building directory information (figs. 1-2, col. 8 lines 46-59).

Regarding claims 53-55, Gazdzinski further teaches the following: comprising a computing device (121, fig. 1) in communication with video display (113, figs. 1-2), the computing device configured to execute software instructions which cause a display of

Art Unit: 2614

advertising content, software instructions cause an interactive display of the advertising content, majority of video display displays the display of the advertising content (col. 20, line 43 – col. 21, line 39).

Regarding claim 58-59, Gazdzinski further teaches the following: display system is adapted to public space environment/commercial environment (col. 3 lines 1-32).

3. Claims 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gazdzinski in view of Kalt and Sauber as applied to claim 55 above, and further in view of Smith (US PAT: 6,502,076, filed 6-1-1999).

The combination differs from claims 56-57 in that it does not specifically teach the following: the majority occurs when the video display operates in a default mode, default mode comprises a state when users have not activated a touch panel for a predetermined period of time.

However, Smith discloses system and methods for determining and displaying product promotions which teaches the following: the majority occurs when the video display operates in a default mode, default mode comprises a state when users have not activated a touch panel for a predetermined period of time (col. 2 lines 35-45).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: the majority occurs when the video display operates in a default mode, default mode comprises a state when users have not activated a touch panel for a predetermined period of time as this arrangement would provide one of the methods, among many possible methods, for interactive advertisements as taught by Smith.

Art Unit: 2614

4. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gazdzinski in view of Kalt and Sauber as applied to claim 46 above, and further in view of Anai (US PAT: 6,466,193B1, filed 7-1-1999).

The combination differs from claim 49 in that it does not teach the following: video display comprises an aspect ration of 16:9.

However, Anai discloses image display device and method for displaying image which teaches the following: displaying information on the display with different aspect ratios (see abstract; and claims 3-4).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: video display comprises an aspect ration of 16:9 as this arrangement would means for displaying information with different aspect ratios as taught by Anai, thus providing means for displaying information with different aspect ratios to satisfy user applications or needs.

Regarding claim 60, Gazdzinski discloses an interactive large format display system comprising: a thin, self-contained display unit (113, fig. 2) having an approximate length, approximate width, and approximate depth, the display unit including housing, a large screen display (reads on 113, fig. 2), a computer device (121, fig. 1; col. 5, line 50 – col. 6, line 5).

Gazdzinski duffers from claim 60 in that he does not specifically teach the following: digital flat panel-type video display, a digital video interface electronics capable of translating the digital video out put to a digital format suitable for interfacing

to the video display, and video display comprising about 40 inches or more measured diagonally across the video display.

However, Sauber teaches the following: the set of signals interfaces computer system to a digital flat panel display and a multiplexer that multiplexes analog signal and the digital signal supplied by the computer system and generates an output signal that is suitable for display on flat panel display (col. 1 lines 47-54); and Kalt teaches the following: video display comprising about 40 inches or more measured diagonally across the video display (col. 26 lines 46-58, col. 27 lines 18-27).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Gazdzinski's system to provide for the following: digital flat panel-type video display, a digital video interface electronics capable of translating the digital video out put to a digital format suitable for interfacing to the video display as this type of display provide good resolution for displaying information in a digital format as is well known in the art, thus giving better interface for displaying information; and video display comprising about 40 inches or more measured diagonally across the video display as this arrangement would provide greater display area for displaying information suitable for class rooms, lecture rooms, or conference rooms and other public needs.

Claim 61 is rejected on the same basis as claim 48.

Gazdzinski suffers from claims 63-64 in that he does not teach the following: digital video interface electronics compute in a digital format, digital video interface electronics maintain a digital video resolution output as the digital video output.

However, Sauber teaches the following: computer and interface for displaying information on a digital flat-panel display (col. 1 lines 48-54) which implies digital video interface electronics compute in a digital format, digital video interface electronics maintain a digital video resolution output as the digital video output.

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Gazdzinski's system to provide for the following: digital video interface electronics compute in a digital format, digital video interface electronics maintain a digital video resolution output as the digital video output as this type of display arrangement would provide good resolution for displaying information in a digital format as is well known in the art, thus giving better interface for displaying information.

Claim 62 is rejected on the same basis as claim 49.

Claim 68 is rejected on the same basis as claims 46 and 60.

Claims 69-70 are rejected on the same basis as claims 58-59.

Claim 71 is rejected on the same basis as claim 50.

5. Claims 65-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gazdzinski in view of Kalt and Sauber and Gikes et al. (US PAT: 5,580,251, hereinafter Gikes) .

Regarding claim 65, Gazdzinski discloses large format display (113, fig. 2) comprising a thin self-contained display unit having an approximate length, approximate width, and approximate depth, the display unit having a housing which protrudes no more than 4 inches from the mounting surface (col. 5, line 50 – col. 6, line 5; col. 7 lines 23-38).

Art Unit: 2614

Gazdzinski differs from claim 65 in that he does not specifically teach the following: ADA compliant display, digital flat panel type of display, display comprising 40 inches or more measured diagonally across video display.

However, Gikes discloses electronic refreshable tactile display which teaches ADA compliant display (col. 2 lines 43-62); Sauber teaches digital flat panel display for interfacing with computer (col. 1 lines 41-54); Kalt teaches display comprising 40 inches or more measured diagonally across video display (col. 26 lines 46-58, col. 27 lines 18-27).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Gazdzinski's system to provide for the following: ADA compliant display as this arrangement would make it possible for people with disabilities to access and use the system as taught by Gikes; digital flat panel type of display as this type of display provide good resolution for displaying information in a digital format as is well known in the art, thus giving better interface for displaying information; display comprising 40 inches or more measured diagonally across video display as this arrangement would provide greater display area for displaying information suitable for class rooms, lecture rooms, or conference rooms and other public needs.

.regarding claims 66-67, Gazdzinski further teaches the following: computer (121, fig. 1) associated with housing without increasing the approximate length, approximate width and approximate depth dimensions of the housing (figs. 1-2, col. 5, line 50 – col. 6, line 5), touch panel dimensioned to fit into display, touch panel, the computer and the

Art Unit: 2614

housing protruding no more than about 4 inches (fig. 2, col. 6 lines 1-5, col. 7 lines 23-36).

Response to Arguments

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

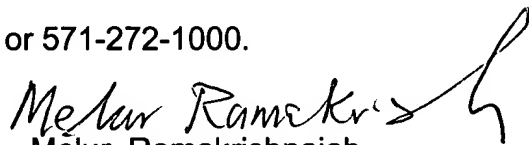
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Melur Ramakrishnaiah
Primary Examiner
Art Unit 2614